REMARKS

The Office Action

Claims 1-13 stand allowed.

Claim 17 has been objected to and claim 18 has been rejected under 35 U.S.C. §112.

Claims 14-16, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Take (US 6,477,158).

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Take in view of Bender, et al. (US 2003/0076795, hereinafter merely Bender).

Comments/Arguments

Applicant greatly appreciates the Examiner's acknowledgement that claims 1-13 are allowable.

Claims 17 and 18 have been amended as suggested by the Examiner to obviate the objection and §112 rejection recited in the outstanding Office Action. Accordingly, it is respectfully requested that the same be withdrawn.

Currently amended independent claim 14 recites "dividing a set of codes into a plurality of families such that each family includes a plurality of codes, wherein each of said codes has a size and at least two codes in each family have different sizes, said families each being designated by a different root code of the same size that is the largest size within the set." Take fails to disclose the foregoing feature.

Arguably, Take does disclose a structured code tree with multiple branches. However, the claim now expressly defines that each of the plurality of code families are designated by different root codes of the same size, which is the largest size within each family. Accordingly, only the entire tree of Take and not merely a branch thereof can be fairly equated with a claimed family of codes. That is to say, the present claim calls for dividing the codes into a plurality of families each having a different root code (e.g., each of FIGURES 2A through 2D show different code families designated by different root codes, namely, W_0^4, W_1^4, W_2^4 and W_3^4), while Take only disclose one code tree having one root code, namely, $C_1(1)$. Nowhere does Take disclose dividing that tree into different families or branches of codes each designated by a different root code of the largest size.

Moreover, even if a branch was divided off of the code tree, its root code would not be the largest size code within the set. For example, assume the branch starting at $C_2(1)$ were divided off of the tree depicted in FIGURE 3 of Take. The root code of the divided branch would be, of course, $C_2(1)$. However, $C_2(1)$ is not the largest size code within the set, rather, $C_1(1)$ is the largest size code within the set.

Accordingly, claim 14 now defines patentably over the prior art, along with claims 15-20 depending therefrom.

CONCLUSION

For the reasons detailed above, it is respectfully submitted that all the claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone the undersigned, at (216) 861-5582.

Respectfully submitted,

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September 6, 2005
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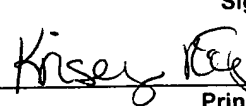7th Floor
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